



Students in Foster Care – Operating Procedures

State Board LEA Policy 6505 – Students in Foster Care lays out the broad requirements and expectations for serving students in foster care. This document provides the standard operating procedures for compliance with the Every Student Success Act - Title I, Educational Stability for Children in Foster Care for State Board authorized charter schools. The procedures cover:

- [Point of Contact](#)
- [Enrollment](#)
- [School of Origin and Placement of Students](#)
- [Best Interest Determination](#)
- [Records Transfer](#)
- [Transportation](#)
- [Dispute Resolution](#)
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Point of Contact

Each charter school shall name a point of contact (“POC”) who will be the main liaison between students in foster care at the school and the State Board’s foster care POC. The school POC will work with the State Board’s POC on communication with the Department of Children’s Services (DCS) POC. The school’s POC shall communicate on at least a monthly basis, but as frequently as necessary, with the State Board’s POC on the implementation of serving students in foster care.

By July 15th of every year, the charter school shall notify the State Board’s foster care POC of the school’s foster care POC using the form contained within these procedures. The school’s POC shall be familiar with Title I, Educational Stability for Children, and the requirements to serve students in foster care. Resources that are helpful to review include, but are not limited to:

- [Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#)

Enrollment

Students in foster care shall be immediately enrolled if accepted through the enrollment period or lottery, even if the student is unable to produce records normally required for enrollment (i.e., academic records, immunization records, health records, proof of residency).¹ The term “enrollment” is defined as the child or youth in foster care regularly attending and fully participating in school while having

¹ Elementary and Secondary Education Act, as amended by ESSA (Pub. L. 114-95), § 1111(g)(1)(E)(i)-(iv)

their educational needs met.² DCS Policy 21.19 specifies that Family Services Workers (FSWs) will present an Education Passport (i.e., compilation of school records) to the new school upon enrollment or as soon as feasibly possible. After receiving the Education Passport from DCS, the charter school shall then contact the student's prior school for relevant records. If the charter school does not receive education records from DCS within 48 hours of enrollment, the State Board POC or the charter school POC should contact the DCS POC. DCS will contact the State Board's POC if its schools do not receive records within 48 hours of enrollment.

The school's POC shall ensure that the student's records are received in a timely manner from the student's previous school, update a student's foster care status in the State Board's student information system (as necessary), and place a student in a class or classes when records are not immediately available.

School of Origin and Placement of Students

Pursuant to State Board LEA Policy 6505 – Students in Foster Care, the school of origin shall mean the school a student attends when he or she enters foster care or the school a student attends when there is a change in placement address.

If a student enters DCS custody or a student changes placement while in custody, the DCS Child and Family team will discuss if it is in the best interest of the student to remain in the school of origin. If the team believes that the student should remain in the school of origin, the DCS POC will notify the POC for the State Board to arrange a best interest determination meeting.³

Best Interest Determination

The DCS POC will notify the State Board's POC if there is a student who DCS would like to keep in the school of origin, but who will no longer be living in that school's zone. At this point, the State Board and DCS can schedule a best interest determination team meeting within five (5) school days that includes:

- The DCS POC;
- The State Board POC;
- The educational decision maker for the child or youth;
- The school principal or designee; and
- Any other key partners for decision making.

If the student has an Individualized Education Program (IEP) or a Section 504 plan, then the relevant school staff members shall participate in the best interest decision process. For each best interest determination meeting, the DCS POC and the State Board POC will determine which of these participants

² Tennessee Department of Education Memo, November 15, 2016, "Foster Care Guidance: Enrollment and Records Transfers."

³ Memorandum from the Tennessee Department of Children's Services, "Education Stability for Children in Foster Care."

must be present in-person and who may join remotely or be consulted prior to the meeting in order to prevent unnecessary delays due to scheduling. This determination shall be made as quickly as possible to prevent education disruption, and transportation costs should not be considered when determining a student's best interest. A sample best interest determination process is included in these operating procedures.

Placement shall be determined based on the student's best interest. At all times, a strong presumption shall be maintained that keeping the student in the school of origin is in the student's best interest.

If the team decides it is in the best interest of the student to remain in the school of origin, then the student will be allowed to remain without tuition charges. Transportation to the school of origin should then be discussed by the team. For additional information regarding transportation, please review the transportation section of this document.

If the team decides it is not in the best interest of the student to remain in the school of origin, DCS will enroll the student in the new school. The enrolling school will then contact the previous school for all pertinent school records. If the student will be transferring to a new school system, DCS Policy 21.19 specifies that FSWs will present an Education Passport to the new school upon enrollment or as soon as feasibly possible. The new school may then request official records from the previous school. DCS will contact the State Board's POC if its schools do not receive records within 48 hours of enrollment.

Regardless of the school the student attends, enrollment must not be denied to any population of students (e.g. justice-involved youth in foster care, student with disabilities receiving special education and related services, English Learners, etc.) due to incomplete records.

Records Transfer

When it is determined that it is not in the child's or youth's best interest to remain in his or her school of origin and either no objection to the change in school is filed or all objections have been resolved, the DCS POC, the State Board POC, and the school's foster care POC shall work together to ensure:

- the child or youth is immediately and appropriately enrolled in and attending the receiving school;
- the receiving school understands the child or youth may be enrolled by the child's foster parent or the child's caseworker;
- the school of origin sends all essential educational records to the receiving school within 48 hours of receiving notice from a DCS representative or the State Board POC that the child will be changing schools;
- the caseworker verbally notifies both schools within two (2) business day of making decisions and faxes requisite documents to both schools within two (2) business days of making the decision; and

- the school of origin transfers all non-essential records to the receiving school within two (2) weeks.⁴

Transportation

The State Board's POC will collaborate with the DCS POC to determine the transportation options for charter schools. If in the Child and Family Team Meeting through DCS it is determined that the student will remain in the school of origin and transportation is required, then transportation needs and possible costs for a student in foster care will be documented on the Transportation to the School of Origin form included in this guidance document. If there are additional costs⁵ incurred in providing transportation to the school of origin, the State Board's POC will collaborate with the DCS POC and the school's POC to determine how the additional costs will be paid.

If there are additional costs incurred in providing transportation that are the responsibility of the charter school, the school shall pay for the transportation costs either through general purpose (BEP) funds or other philanthropic resources. Title I funds may not be used to provide transportation. All no-cost and low-cost options should be discussed first, including but not limited to:

- Adding or modifying a stop to an existing bus route;
- Dropping the student off at a school bus stop on the existing transportation system for the school of origin;
- Using public transportation, if the student is of an appropriate age and has or is able to acquire the skills to utilize such option;
- Having foster parents transport the student to school;
- Utilizing pre-existing bus routes or stops close to the new foster care placement that cross school district boundaries, such as transportation for homeless students required by the McKinney-Vento Act; or
- Providing transportation under another entitlement for which the student is eligible, such as IDEA.

As a part of the monthly calls between the State Board's POC and the school's POC, transportation to the school of origin and the funds used to cover these costs will be reviewed.

DCS will provide transportation during the five (5) school days from the time the Education Specialist notifies the State Board's POC until the transportation best interest determination meeting is held, and for up to five (5) additional school days after the best interest determination meeting if the State

⁴ Tennessee Department of Education Memo, November 15, 2016, "Foster Care Guidance: Enrollment and Records Transfers."

⁵ Additional costs are defined as the difference between what an LEA or charter school otherwise would spend to transport a student to his or her assigned school and the cost of transporting a student in foster care to his or her school of origin. DCS representatives (including the education specialists) do not have the authority to approve expenditures for transportation. In keeping with DCS policy, any transportation plan proposed that may include costs to DCS must be approved by the DCS fiscal division.



Board and the authorized charter school need to make transportation arrangements in order to keep the student at the school of origin.

ESSA mandates school stability and transportation necessary to ensure school stability until students exit foster care. The guidance from the US Department of Education strongly urges states to extend these rights until the end of the school year in which the student exits foster care.

The charter school will ensure that a student in foster care remains in his/her school of origin while any disputes regarding transportation costs are being resolved.

Dispute Resolution

If there is a dispute following the transportation best interest determination meeting over who will pay the additional costs for transportation, the dispute resolution team will meet. Members of the State Board and DCS will be included in the discussion, and the team will use the dispute resolution forms included in these procedures.

Required Procedures

Authorized charter schools are required to develop the following and submit them annually to the State Board by September 1:

- Clear procedures for transferring and accepting credits to ensure that a student in foster care receives appropriate credit for full or partial coursework satisfactorily completed while attending a prior school(s).



Forms and Appendices

The following documents are required forms for State Board authorized charter schools to use when serving students in foster care. The forms are based on the forms developed by the Department of Children's Services and modified for the State Board's context.

- [School Level Foster Care Point of Contact](#) – *required*
- [Best Interest Determination Form](#) – *required*
- [Transportation to School Of Origin Form](#) – *required*
- [Dispute Resolution Process—Best Interest Determination](#) – *required*
- [Dispute Resolution Process—Transportation](#) – *required*



School Level Foster Care POC

State Board LEA Policy 6505 – Students in Foster Care requires that each school name a foster care POC to coordinate with the State Board’s POC and the Department of Children’s Services POC, ensure all students in foster care receive adequate services, and ensure the charter school follows all applicable federal and state laws, rules, and policies. This person will work with the State Board’s foster care POC to ensure students are identified and given appropriate opportunities to attend and succeed in school. To assist with these tasks, the State Board will provide support and training for the school-level POC.

Please identify the most appropriate building level point of contact to serve as the charter school’s foster care POC and provide his or her information below.

- School Name: _____
- Contact Name: _____
- Direct Phone Extension: _____
- Email: _____

If you need assistance determining the most appropriate person for this role in your building, please contact the State Board’s foster care POC for assistance. **This form is due to the State Board’s foster care POC by July 15th of each year.**

The State Board’s foster care POC is:

- Name: Tess Stovall
- Title: Director of Charter Schools
- Email: Tess.Stovall@tn.gov
- Phone: (615) 770-1190



Transportation to School Of Origin Form

Student Information

School System: _____ School of Origin: _____ Date: _____

Student's Name: _____ DOB: _____ Age: _____ Gender: _____ Grade: _____

IDEA/504/EL? _____ Primary Contact (Title/Name/Number): _____

Emergency Phone Contact (Title/Name/Number): _____

I. General Information

If the student will attend the school of origin, does he or she need transportation other than the regular bus route?
Yes No

For students remaining in the school origin, the authorized charter school must provide transportation within five (5) school days of the best interest determination when minimal or no "additional costs" are involved.

During the best interest determination (5 school days) and the development of the authorized charter school's permanent transportation plan (5 school days), DCS will provide transportation to the school of origin for the student if there are additional costs to the charter school and/or permanent arrangements need to be made. DCS is responsible for transportation for a maximum of ten (10) school days.

If there are additional costs*: ESSA specifies that the local school system will provide transportation **if**:

- The child welfare agency agrees to reimburse the charter school/district for the cost of such transportation;
- The authorized charter school agrees to pay the cost of such transportation; or
- The authorized charter school and the child welfare agency agree to share the cost of such transportation.

II. Transportation Services to be Provided

Interim transportation to the school of origin during the best interest determination and the development of the permanent transportation plan will be provided in the following manner:

Permanent transportation for the student to the school of origin will be provided in the following manner:

- ☐ The charter school will provide transportation. ☐ DCS will provide transportation.
☐ The charter school and DCS will both provide transportation. ☐ Other: _____

Duration of time student will require transportation services: _____

If the LEA incurs additional costs* they will be paid by:

- ☐ The charter school ☐ DCS ☐ The LEA/charter school and DCS will share costs.
☐ The LEA (withheld from BEP payments)⁶

⁶ The State Board strongly prefers for the charter school to directly pay for the transportation costs rather than having to pay for the costs directly and withhold some BEP payments from the charter school to cover the costs.



☐ Undecided: Refer to dispute resolution team: Comments: _____

DCS Authorized Signature: _____ Date: _____

LEA Authorized Signature: _____ Date: _____

*Additional costs are defined as the difference between what an LEA/charter school otherwise would spend to transport a student to his or her assigned school and the cost of transporting a foster care student to his or her school of origin. Federal guidance permits the use of Title I funds, IDEA funds if the student has an IEP, or McKinney-Vento Funds if the student qualifies under that act. For DCS, Title IV-E maintenance dollars may be used to fund transportation.



Dispute Resolution Process—Best Interest Determination

Student Information

School System: _____ **School of Origin:** _____ **Date:** _____

Student's Name: _____ **DOB:** _____ **Age:** _____ **Gender:** _____ **Grade:** _____

IDEA/504/EL? _____ **Primary Contact (Title/Name/Number):** _____

Emergency Phone Contact (Title/Name/Number): _____

The State Board Point of Contact and the DCS Point of Contact will notify the dispute resolution team members of their respective agencies within two (2) school days of a referral. The dispute resolution team will meet within two (2) school days of the notification. Meetings may take place in person or via phone, computer, etc.

DCS has agreed to provide transportation for a maximum of ten (10) school days during the best interest determination and pending arrangements by the State Board or the charter school for transportation. If the ten (10) school day limit has not been met, DCS will provide transportation to the school of origin until the time limit expires. The State Board or the charter school will then provide transportation to the school of origin until the dispute is settled.

Team Members from DCS will include the DCS Director of Education, the DCS Point of Contact, DCS Central Office Consultants (2), the State Board Point of Contact, the charter school point of contact, and other members selected by the State Board.

I. LEA Concerns

II. DCS Concerns

III. Team's Final Decision

Student will attend: ☐ School of Zone ☐ School of Origin

Comments/Special Conditions



IV. Team Members

Signatures

Date

DCS Director of Education

DCS Point of Contact

DCS Central Office Consultant

DCS Central Office Consultant

State Board Point of Contact

Charter School Point of Contact

Other LEA Team Member

Other LEA Team Member



Dispute Resolution Process—Transportation

Student Information

School System: _____ School of Origin: _____ Date: _____

Student's Name: _____ DOB: _____ Age: _____ Gender: _____ Grade: _____

IDEA/504/EL? _____ Primary Contact (Title/Name/Number): _____

Emergency Phone Contact (Title/Name/Number): _____

The State Board Point of Contact and the DCS Point of Contact will notify the dispute resolution team members of their respective agencies within two (2) school days of a referral. The dispute resolution team will meet within two (2) school days of the notification. Meetings may take place in person or via phone, computer, etc.

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Permanent transportation for the student to the school of origin will be provided in the following manner:

- ☐ The charter school will provide transportation. ☐ DCS will provide transportation.
☐ DCS and the charter school will both provide transportation. ☐ Other: _____

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If the LEA incurs additional costs they will be paid by:

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☐ The LEA (withheld from BEP payments)⁷

⁷ The State Board strongly prefers for the charter school to directly pay for the transportation costs rather than having to pay for the costs directly and withhold some BEP payments from the charter school to cover the costs.

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V. Team Members**Signatures****Date**

DCS Director of Education

DCS Point of Contact

DCS Central Office Consultant

DCS Central Office Consultant

State Board Point of Contact

Charter School Point of Contact

Other LEA Team Member

Other LEA Team Member
